

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 17, 1979  
6:00 P.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino

Absent: None

The Invocation was given by Reverend Wayne G. Smith of Faith United Methodist Church.

AMERICAN BUSINESS WOMEN'S SCHOLARSHIP MONTH

Mayor McClellan read a proclamation declaring the month of May as American Business Women's Scholarship Month. Members of the Treaty Oak Chapter of American Business Women who were present to accept the proclamation with their thanks were: Lynn Pugh Arend, Toni Bazis, Diane Holz, Melissa Martinez, and Wanda Bates.

VERY SPECIAL ARTS FESTIVAL DAY

Mayor McClellan proclaimed May 17, 1979 Very Special Arts Day and presented the proclamation to Katrina Wetzels who accepted it with her thanks and appreciation.

## AUSTIN BALLET THEATRE'S CINDERELLA WEEK

Terri Lynn Wright, Marguerite Wright, Mary Alice Valentine, Elizabeth Cameron and Walter R. Howard were in the Council Chamber to receive with their appreciation a proclamation designating the week of May 20-26 as Austin Ballet Theatre's Cinderella Week, which was read by Mayor McClellan. They thanked her for the honor.

## HONORARY CITIZENSHIP

Mayor McClellan presented Dr. William D. Revelli, Director Emeritus of the University of Michigan bands, with a certificate of Honorary Citizenship. He accepted with his appreciation and presented complimentary tickets to the Mayor and Councilmembers for a band concert.

## WESTLAKE HIGH SCHOOL BAND DAY

Mayor McClellan read a proclamation designating May 19, 1979 as Westlake High School Band Day. Present in the Council Chamber to receive the proclamation with their thanks were: Lee Boyd Montgomery, Band Director; Robert Tull, Assistant Band Director; Dick Thomas, Coordinator for the Spring Concert; Al and Betty Prinz, Publicity Chairpersons; Jan and John Smith, President of Band Parents Association; and student band members, Joyce Petersen, Alan Hornaday, and Shelley Chapman.

## YOUTH AWARENESS WEEK

Youth Awareness Week, sponsored by Soroptimist Club of Austin, has been set aside for May 20-26, according to a proclamation read by the Mayor and accepted with appreciation by Judy Brown, President, Soroptimist Club of Austin.

## MUSEUM DAY

Paul Leche, Museum Representative on the City Arts Commission and member of the Board of Trustees of Laguna Gloria, accepted with his thanks a proclamation read by the Mayor designating May 18 as Museum Day.

## EMPLOYEE SUGGESTION AWARD

Mr. Davidson, City Manager, asked Mr. Zeferino Mendoza to present himself at the podium and stated: "Mr. Mendoza is employed as a public service helper in the Water and Wastewater Department and has been with the City for nine years. He offered a suggestion to order anthrafil filter media by hopper car instead of the usual box car to allow the material to be unloaded by conveyor. The conveyor was existing City property. As a result of this suggestion, unloading time was reduced from 24 hours to seven hours, saving the City of Austin \$3,846.50 per year." Mr. Mendoza was presented with a check for \$384.65 for his constructive suggestion, and received the commendation of the Mayor and Council in the form of a Certificate of Merit. Mr. Mendoza thanked them for the check and certificate.

## BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following appointments will be made to Board and Commissions on May 24, 1979:

Citizen's Board of Natural Resources and Environmental Quality  
Dental Health Advisory Committee - 6  
Elisabet Ney Museum - 2  
On-Going of Goals Assembly Committee - 3  
Buiding Code Board of Appeals - 1  
Manpower Advisory Planning Council - 1  
Urban Transportation Commission - 2  
Community Development Commission - 7  
Wrecker Standards Commission - 2  
Board of Equalization - 3

## MINUTES APPROVED

Councilmember Himmelblau moved that the Council approve the Minutes for the Meeting of May 3, 1979 and May 10, 1979, and Special Meeting of May 2, 1979. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

## RELEASE OF EASEMENTS

Councilmember Goodman moved that the Council adopt a resolution to authorize the release of the following easement:

A seven and one-half (7.50) foot Public Utility Easement out of Lot 25, Block B, Northcape, Section 4 - Revised, locally known as 930 East Rundberg Lane. (Requested by Mr. Richard Crawford, representing Trinity Evangelical Free Church)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to authorize the release of the following easement:

A twenty (20.00) foot Public Utility Easement crossing the north portion of Lot 30, Block E, Battle Bend Springs Subdivision, and locally known as 301 Battle Bend Boulevard. (Requested by Mr. Bernard Levitan, owner)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### PAYMENT AUTHORIZED

Councilmember Goodman moved that the Council adopt a resolution to authorize payment to the following:

COTTON TEXAS LIMITED	- For installation of a 30"/8" wastewater interceptor north fork of Bull Creek, Great Hills area - \$93,547.86
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AUSTIN WHITE LIME COMPANY McNeil Road Austin, Texas	- Quicklime, Water and Wastewater Department Twelve (12) month supply agreement Item 1 - \$575,360.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AUSTIN ROAD COMPANY 428 East Anderson Lane Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Community Development District No. 7, Street, Drainage and Sidewalk Improvements - \$548,495.60 C.I.P. No. 75/62-20, 75/70-20 & 75/75-20
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

Bid Award:	- Annual Purchase of Mobile Radios, Vehicle & Equipment Services Department.
MOTOROLA, INC. 7719 Wood Hollow Austin, Texas	- Items No. 1.0, 3.0-8.0 - \$181,612.50
GENERAL ELECTRIC COMPANY 5555 North Lamar Boulevard Austin, Texas	- Item 1.0 - \$2,214.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

Bid Award:	- Coarse Paper Products, Department of Purchases and Stores. Estimated total \$26,844.00
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AUSTIN PAPER COMPANY  
1501 West 5th Street  
Austin, Texas

BANCROFT PAPER COMPANY  
2201 East 6th Street  
Austin, Texas

CENTURY PAPER COMPANY  
3126 Edgewater Drive  
Austin, Texas

NATIONWIDE PAPERS  
519 North Medina  
San Antonio, Texas

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## ROSEWOOD-ZARAGOSA CLINIC ADDITION

Councilmember Goodman moved that the Council adopt a resolution to select the firm of Brytest, Inc., for professional soils investigation and engineering testing services for the addition to the Rosewood-Zaragosa Health Clinic. CAPITAL IMPROVEMENTS PROGRAM No. 79/91-02. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## EMS FUNDING

Councilmember Goodman moved that the Council adopt a resolution urging Congress to continue current level funding for advanced life support systems under the 1973 EMS Act and requiring HEW to continue four-year funding for regional Emergency Medical Service Systems. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## CAPITAL AREA MANPOWER CONSORTIUM AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to approve the Capital Area Manpower Consortium Agreement for Fiscal Year 1980 and the Letter of Certification to the Department of Labor. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

## MARKET DEVELOPMENT

Councilmember Goodman moved that the Council adopt a resolution to authorize a contract with the American City Corporation for market analysis, development and economic objectives for specific planning areas in east and south Austin. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau,  
Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Mayor McClellan made the following statement:

"Council has been on a bus tour all day dedicating facilities and this was hand delivered to the office so I did not see this until now. I ask that the record reflect, and Mr. Davidson, have our American City Corporation aware of the fact that the East 1st Neighborhood Center Advisory Council has two requests about this resolution (authorizing a contract with American City Corporation for market analysis, development and economic objectives for specific planning areas in east and south Austin.) One that the market study and development plan with regard to east Austin, by the way, that's item E.7. which we just approved, will take into account the need to preserve and enhance the integrity of the residential area, which is also something Council feels very strongly about. The second request is that neighborhood planning groups will have integral involvement in every phase of the market study of the economic development plan of east Austin."

Mayor Pro Tem Cooke asked, "Does that mean they would be working with American City or would they be working with the Council once American City presented its report?" Mayor McClellan answered, "What I asked was that we have American City Corporation aware of what their desire is and to work with them as possible on it." Mr. Davidson said, "Probably some of both, Mr. Cooke."

#### ZONING PUBLIC HEARING SET

Councilmember Goodman moved that the Council set a public hearing for 8:00 p.m., June 21, 1979, on Zoning Case No. C14-78-105, Tom Bradfield and Donald H. Cummins by Bryant-Curington, Inc. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### PORT TO PLAIN HIGHWAY

Councilmember Goodman moved that the Council adopt a resolution to the State Highway and Public Transportation Commission expressing Austin's City Council support for the proposed "Port to Plain" Highway. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

#### BOAT RACE PUBLIC HEARING

Councilmember Goodman moved that the Council set a public hearing on the request for boat races on Lake Austin for May 31, 1979 at 8:00 P.M. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

Ordinance 790517-B F.2.

Auditorium + Coliseum rates



## CAPITAL IMPROVEMENTS PROGRAM

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS; DIRECTING THE PREPARATION OF ESTIMATES; INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN; PROVIDING FOR THE LEVY BY THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS; DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY. (Community Development District #7)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

## AUDITORIUM AND COLISEUM RENTAL RATES

Mayor McClellan brought up the following ordinance for its third reading:

The ordinance was read the third time, and Councilmember Trevino moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Ordinance 790517-D F.4.

Congregate Meals appropriation

## ANNEXATION ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.02 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C7a-79-001)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Mayor McClellan,  
Mayor Pro Tem Cooke

Noes: None

Abstain: Councilmembers Trevino, Goodman

The Mayor announced that the ordinance had been finally passed.

## TRANSPORTATION TO CONGREGATE MEALS

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor  
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

796517-D  
F.4.

Ordinance 790517-E F.5

funding Aquatics Program

## AQUATICS PROGRAM

Mayor McClellan introduced the following ordinance:

790517-E  
F.S.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Goodman

Noes: Mayor Pro Tem Cooke

The Mayor announced that the ordinance had been finally passed.

## TRANSFER OF FUNDS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATION BUDGET FOR THE FISCAL YEAR 1978-1979 BY TRANSFERRING \$18,216.00 FROM THE BUDGET OF THE ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT TO THE BUDGET OF THE PLANNING DEPARTMENT IN ORDER TO FUND ONE POSITION TRANSFERRED FROM THE ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT TO THE PLANNING DEPARTMENT; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 19 AND 20, BLOCK A, CIRCLE S RIDGE SECTION 1, LOCALLY KNOWN AS 505-507 CHAPARRAL ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "AA" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (R & R Reinforcing, Inc., C14-79-061)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 38,412.2 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1402 WEST AVENUE; FROM "A-H" RESIDENCE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT TO "O-H" OFFICE-HISTORIC, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Dr. Lloyd A. & Alyce Doggett, C14-79-052)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmember Goodman  
Noes: Mayor Pro Tem Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN APPROXIMATE 0.71 ACRE TRACT OF LAND, LOCALLY KNOWN AS THE FRONT OF 1901-1905 KINNEY AVENUE; FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Gary Haldeman, C14-79-047)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 0.245 ACRE TRACT OF LAND, LOCALLY KNOWN AS 10304 NORTH LAMAR BOULEVARD AND 803 NEANS DRIVE; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Modelle Ballard, Robert G. Ballard, John R. Ballard & Charles W. Ballard, C14-79-048)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 17.79 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1721-1821 KRAMER LANE AND 10418-10502 MACMORA ROAD; FROM "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (NPC Realty Company, C14-79-051)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 640 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 5332 MANCHACA ROAD; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Nelson Puett, Jr., C14-79-056)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.



Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.029 ACRE TRACT OF LAND, SAVE AND EXCEPT THE WESTERNMOST 100 FEET WHICH SHALL REMAIN ZONED "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT, LOCALLY KNOWN AS 6413-6811 INTERSTATE HIGHWAY 35, ALSO BOUNDED BY LA POSADA DRIVE AND ATKINSON ROAD; FROM "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Land Equities, Inc., C14-79-055)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

THE SOUTH 45 FEET OF LOT 7 AND ALL OF LOT 6, SAVE AND EXCEPT THE WESTERNMOST ONE FOOT WHICH SHALL REMAIN ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT, BLOCK ONE, OUTLOTS 72 and 73, DIVISION E, DRISKELL AND RAINEY SUBDIVISION, LOCALLY KNOWN AS 72-74 EAST AVENUE; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (J. T. Hewlett, Jr., and Dawn Hewlett Shackelford, C14-79-064)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

The Mayor announced that the ordinance had been finally passed.

## NO ACTION TAKEN

Council had before it an ordinance to make the following zoning change. No action was taken.

HURT HOUSE  
By Roxanne  
Williamson  
C14h-78-039

2210 San Gabriel

From "B" Residence  
2nd Height and Area  
To "O-H" Office-Historic  
1st Height and Area

## SYMPHONY CONCERT IN MEXICO

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR 1978-79 BY APPROPRIATING \$5,000 FROM THE HOTEL/MOTEL TAX REVENUES IN THE AUDITORIUM AND COLISEUM FUND FOR THE PURPOSE OF HELPING DEFRAY EXPENSES TO ENABLE THE AUSTIN SYMPHONY TO ACCEPT AN INVITATION TO PERFORM IN MEXICO CITY; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor  
McClellan, Mayor Pro Tem Cooke, Councilmember Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

COMMUNITY DEVELOPMENT BLOCK GRANT  
FUNDS

Council had before it a resolution confirming allocations of CDBG funds for FY 1980-1981 and FY 1981-1983.

Councilmember Himmelblau asked, "Why do we have to lock into the other two years, and on some of these, when I talked to the people on the project which was F, I was told it was just to be a one-year request and we're showing three years and that was on the Urban League Credit Union." Mr. Buck Apelt answered, "We're required to submit a three-year funding plan this year for the first time. It's a requirement on the Block Grant. We're not locked into those two subsequent years allocation. It will be subject for review again next year."

Councilmember Himmelblau moved that the Council adopt a resolution to confirm allocations of CDBG funds for FY 1980-1981 and FY 1981-83. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell,  
Trevino, Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

#### FREE FESTIVAL BANNER

Mayor Pro Tem Cooke moved that the Council approve the request of Ms. Karen Sherry, Manager, Fifth Ray Bookstore, to have a banner placed at the corner of 38th and Lamar from September 27-29, 1979, to advertise the Free Festival. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
Noes: None

#### PARADE PERMIT

Mayor Pro Tem Cooke moved that the Council approve the request for a Parade Permit from W. H. McGregor, Department Adjutant, The American Legion, Department of Texas, for The American Legion Boys State, from 8:15 a.m. to 9:30 a.m., Tuesday, June 12, 1979, beginning from Martin L. King Boulevard along north Congress to State Capitol, circle Capitol on west side, arrive at Capitol steps by marching up south Congress walkway from 11th Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau  
Noes: None

#### PUBLIC HEARING ON VACATION OF A PORTION OF HIGHLAND OAKS TRAIL

Mayor McClellan opened the public hearing scheduled for 7:00 P.M. on vacating the following and passage of ordinance:

A portion of Highland Oaks Trail between U.S. Highway 183 and Arabian Trail. (Requested by Land and Leases, Inc. and Catfish Parlour, Inc.)

The Mayor said the Planning Commission and the neighborhood are in favor.

MR. TOM OLENDORF, representing the Northwest Oaks Neighborhood Association, said they were in favor of the proposed vacation. He said it is their understanding that the property owners on either side of Highland Oaks Trail have agreed to purchase the vacated area. As such he said he hopes the Council will favorably pass the ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF HIGHLAND OAKS TRAIL; RETAINING EASEMENTS IN THE CITY FOR WATER, SANITARY SEWER AND ELECTRIC UTILITY PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Cooke moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### PUBLIC HEARING ON CONSIDERATION OF CLOSING MATTHEWS LANE

Mayor McClellan opened the public hearing scheduled for 7:00 P.M. to consider closing Matthews Lane to vehicular traffic at the existing crossing of MoPac Railroad Tracks. (Requested by City of Austin, Urban Transportation Department)

MR. JOHN MCKAY, attorney, representing the Missouri Pacific Railroad, appeared before Council to say that they are in accord with the request of the Urban Transportation Department to close the street, and join in the request.

MR. OSWALD OLLE, President, Matthews Lane Neighborhood Association, appeared before Council to say that according to traffic count, Matthews Lane has 1400 cars a day and Cooper Lane has over 1300. If Matthews Lane is closed, the residents will have to go through the subdivisions in order to get to Manchaca Road.

MR. JOHN FRICK, Brown Schools Assistant Director, stated they use Matthews Lane daily to commute back and forth between the ranch treatment center and the community at large where several of the handicapped students are employed full time. He said the main objection they have to the closing is the emergency access for fire and police protection; and the secondary objection is access for the neighborhood and ability of the staff members to get to and from work.

COMMISSIONER ANN RICHARDS appeared before Council and stated that the closing of Matthews Lane would solve no problem, so the neighborhood should be left as it is. She said all it would do is disrupt a historic neighborhood. The problem that needs to be confronted is a safe crossing for people at a railroad crossing. The closing of the road would not solve the problem. Councilmember Goodman pointed out that the City has launched a more concentrated drive than ever before to make certain the railroad crossings are well marked. Mayor McClellan pointed out that there is unanimity among the Council for not closing Matthews Lane and that \$60,000 has been allotted for a signalization program throughout Austin at railroad crossings.

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BILL COLLINS appeared before Council and said that Matthews is the safest crossing and should be left open rather than close it and cause more traffic on other streets.

LAWRENCE ANDERSON said that every home sits back from the road and it has been built for traffic, whereas the subdivision which would be opened for traffic if Matthews Lane is closed, would not handle traffic well.

JACK JORDAN spoke against the closing of Matthews Lane. He pointed out how the closing would effect businesses, schools, church and the neighborhood.

A woman who did not identify herself said that by closing Matthews Lane it would inhibit the ability of the Fire Department to get to them if they are needed.

John McKay, attorney, returned to the podium to say he is in complete understanding with the people's wants and desires. The regular attorney for the Missouri Pacific could not be at the meeting, so he is taking his place. He said the files are filled with correspondence concerning the six lanes of traffic at William Cannon and wondered why no one from the Planning Commission, or Mr. Joe Ternus, Director of Urban Transportation, were present to speak to the issue at hand. He said, "Both departments were represented to us as a part of our work and expenditure in giving and granting of the highway right-of-way across our trackage at William Cannon Drive that they were certainly going to recommend to this august body that this other crossing be closed."

Mayor McClellan said they realize there was some discussion by a previous Council concerning the closing of Matthews Drive but she did not believe former Councils and officials can bind the present Council.

Mr. Joe Ternus stated: "Our agreement with Missouri-Pacific was that the City staff would recommend to the Planning Commission and to Council that the crossing be closed. That recommendation was made and has been made previously. There is a four-page report, but we have made that recommendation to them in fulfillment of our agreement with the Missouri-Pacific Railroad Company." Mr. Davidson added that this has been done both in writing and verbally. Mr. McKay asked Mr. Ternus for a copy of the recommendation.

Mr. McKay continued, "The Missouri-Pacific is in agreement with your own experts on this matter. William Cannon Drive is only 4-1/2 blocks away and the closing of Matthews Lane would cause no inconvenience." He said he speaks on behalf of a railroad, which, under the Constitution of this state is not only a common carrier but a public highway and they are trying to do as good a job as railroad operating conditions and street conditions will allow. He said it is obvious how the neighborhood and one or two of the Councilmembers feels about it and he will not argue the point other than to say that the practicalities of the situation deserved further study and asked the Council to so do and consider the recommendations of their own staff.

Councilmember Mullen stated: "The public needs to know that one of the conditions was that the Council vote, Yes, before this closing was consummated. This Council does not choose to vote Yes. There were no deals broken. There was nobody going back on their word. The word was that we would take the recommendation, which we did, and decided we don't want to vote as the staff recommended. So we have not gone back on our word at all."

Councilmember Goodman said the representative of the railroad asked Council to make their decision on a fair and impartial basis. He said for his part the basis for his decision would be that it would be a tremendous inconvenience for the neighborhood to close Matthews Lane.

Councilmember Mullen moved that the Council close the public hearing and leave Matthews Lane open to vehicular traffic at the existing crossing of MoPac Railroad tracks. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell  
Noes: None

#### PUBLIC HEARING ON PAVING ASSESSMENTS BEAVER STREET AND OTHERS

Mayor McClellan opened the public hearing scheduled for 6:30 p.m. in connection with paving assessments to be levied on the following; and passage of ordinance; Capital Improvements Program:

Beaver Street and sundry other streets, Group 62, Phase I,  
covering approximately 19 blocks. CAPITAL IMPROVEMENTS  
PROGRAM No. 75/62-01.

Mr. John German, Director of Public Works, appeared to say the intent of the public hearing is to consider assessments on several streets which were paved in the Georgian Acres neighborhood. When the area was originally developed it was done so outside the City limits and not to City standards; meaning it did not have curb and gutter and the streets weren't even paved. After the City annexed it, and in May of 1975 the property owners petitioned the City to have their streets paved. At that time, the City had the 1958 paving assessment policy in effect with low rates of \$2.65 per front foot for residential property. In November of 1975 a new assessment policy was passed tying the amount of the assessment to the actual contract price. This was a considerable increase to \$10.00 to \$12.00 per front foot. It took some time to prepare plans, purchase right-of-way and clear utilities in the Georgian Acres neighborhood. When the plans were ready, an ordinance declaring the necessity was passed in September, 1977, and a contract awarded the next month. The contract prices were computed and the property owners were notified of their assessments in November, 1977. Many of the property owners at that time expressed concern about the legality of charging on the new rate and signed a petition they said, under the assumption they would get it at the old rate. This was looked at by the Legal Department and they felt like the rates in the old policy in effect when the ordinance declaring the necessity was passed would be the appropriate policy to

use. In 1978 efforts were begun to revise the paving assessment policy. This resulted in Council action in December 1978 to make the necessary revisions. In February of 1979 this Council authorized the application of the new policy to the Georgian Acres project and gave the property owners the benefit of the best of both policies. Meaning that whichever would provide the lowest assessment to those property owners would be what would be applied. The new cost calculated under the new policy was done and where it benefited property owners with a reduction, the property owners were notified regarding their assessments. Therefore, there have been three paving policies which have something to do with this particular case. Today we are here to hear appeals from property owners regarding their individual assessments and to determine whether or not their properties were in fact enhanced by an amount equal to or greater than the assessments. If they have been, then it will be the Council's option to set the assessments as recommended. An independent appraiser, Mr. Morris Alford, has been employed since 1977 to review the properties both before and after the paving. He has prepared a very detailed report in two parts. Mr. Alford has determined all the properties except three were enhanced greater than the amount of the assessment. They are, as relates to his report, property numbers 13, 16 and 17. Mr. German said that with the exception of these three cases, he recommends the assessments be levied as recommended on the 44 parcels.

Mr. James Riggs, Assistant City Attorney, questioned Mr. Alford regarding his qualifications as an appraiser.

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED; FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF; PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND THE RECEIPT FOR PAYMENT OF AND RELEASE OF LIEN ON THE SAME; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Beaver Street and sundry other streets, C.I.P. No. 75/62-01)

Councilmember Mullen moved that the Council close the public hearing, and waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers  
Goodman, Himmelblau, Mullen, Snell, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING ON DEMOLITION OF  
SUBSTANDARD RESIDENCE

Mayor McClellan opened the public hearing scheduled for 8:00 p.m. to consider an appeal of the decision by the Building Standards Commission ordering demolition of a substandard residence located at 1701 Sanchez. The Mayor said Council has heard the staff report from Mr. Lonnie Davis and requested the owner to appear.

MS. WILLIE GREEN appeared. She said she has not been financially able to repair the house. She used to use it as a nursery for children, but moved to Temple where she is a teacher. Ms. Green said the house is full of memories and wants to keep them in the house. She said she doesn't want a new house because it would not take the place of what is in the old house. She begged the Council to give her 120 days to bring the building up to standard because she is now financially able to do so.

Motion

Councilmember Snell moved that the Council grant Ms. Willie Green 120 days to bring her house at 1701 Sanchez up to standard. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

Councilmember Snell asked her if she cannot improve the house in 120 days if she will be willing to have it demolished. She agreed.

Councilmember Goodman stated at the time of his vote that this will be the last 120 day reprieve and expressed his disappointment that the applicant has not been present before.

AID AT THE SCENE

Mr. Bill Bulloch, Director, Emergency Medical Services Department, appeared before Council. He referred them to their agenda material and said that approximately 12 months ago the City Council adjusted the fee structure for Emergency Medical Services. As a part of this adjustment Council approved a new fee for Aid at the Scene where an Emergency Medical Services unit and crew respond to the scene of an incident, render substantial aid, but do not transport the patient.



Mr. Davidson recommended that they put back on the agenda something for formal consideration by Council. He said it would be on the May 24, 1979 agenda.

#### PROPOSED ELECTRIC UTILITY LONG RANGE PLAN

Mr. Davidson introduced a report on the Proposed Electric Utility Long Range Plan. He said, "Basically, what we are doing is bringing to the attention of Council the need to go ahead and refine the planning process for the Electric Utility System and to extend it out over a 25-year period. We wanted to lay this on the table. We've put it before the Electric Utility Commission at the same time and with the Council's permission we will pursue and bring back to you the various decisions we think ought to be made in order to arrive at these various planned increments."

Council made no comments, so Mayor Pro Tem Cooke advised Mr. Davidson to proceed.

#### REVENUES RECEIVED FROM LEASE OF COAL CARS

Mr. R. L. Hancock referred Council to a memorandum in their agenda packet that indicates an estimated \$275,350.00 net revenue to the project for the lease of coal cars, including any taxes or maintenance that might be associated with it. The original estimate was for \$390,000.00. However, in the course of the lease, brake problems developed on the cars and they had to be grounded for about three weeks. The cars were returned to the system right after the first of the year and have been in operation delivering coal to the Fayette Project since then. About 26% of the energy in the system this month has come from the testing at the Fayette Project.

Councilmember Mullen asked if all the cars were returned on time. Mr. Hancock said they were returned ahead of time so the coal deliveries could be initiated.

#### ELECTRIC UTILITY REVENUES

Mr. Monty Nitcholas, Director of Finance, presented the following report on the Electric Utility Rates - First 12 Months. "The comparison that we've made in the report with the original projection is not clear as we'd like because the projections were made for fiscal years 76-77, 77-78, 78-79. Actually, what this does is cross those lines and it's in the middle because we slipped putting in the new rate April 1 rather than October 1. So it fits in the middle of the projections. What we have used are the original projections of the first year of the rate. In making the comparison we would expect the income from these rates to be slightly more than what the projection was because we do have a different period. We have five of the original summer months and we have five of the winter months that are a year late. But the numbers and comparisons are still very important."

"A big portion of that is due to growth, although I do not have figures to substantiate that. The summer/winter differential was in line with less than 1% difference. So the projections appear to be most accurate in the commercial-industrial customer category and least accurate in the governmental category."

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,  
Mayor McClellan, Mayor Pro Tem Cooke  
Noes: None

## RECESS

Council recessed its meeting at 8:30 p.m. and resumed the recessed meeting at 9:00 p.m.

PUBLIC HEARING - SAND BEACH RESERVE  
FOR PARKING PURPOSES

(Transcript of complete hearing is on file in City Clerk's office.)

Mayor McClellan opened the public hearing scheduled for 9:00 p.m., relating to the use of a portion of the Sand Beach Reserve for parking purposes.

TOMMY HENRY, architect for the Holiday Inns, Inc., appeared before Council to give a brief background and explain the proposal from the Holiday Inns. For some time the Holiday Inns have wanted to add more rooms to their motel on Town Lake. The problem with doing so has been lack of land for parking use. Their rule is to have 1-1 parking, and the space is not available for the 100 rooms they want to add. What Holiday Inns wants to do is integrate the parkland into a parking scheme which would be desirable both to the City and to Holiday Inn. The total acreage that would entail is 2.34 acres. Mr. Henry told Council that they had tried to acquire the McGinnis property which is adjacent to the Holiday Inn but the cost was prohibitive.

Councilmember Mullen inquired as to the comparative value of the McGinnis property and Sand Beach Park. Mr. Henry answered he was not able to address the question. He discussed the plans presented for Council's information.

Motion

Councilmember Goodman moved that the Council refer the use of a portion of the Sand Beach Reserve for parking purposes to the City Manager for further study and that he contact the Parks Board and any other City departments that may be involved, and continue the public hearing. The motion was seconded by Councilmember Trevino.

Mr. Davidson, City Manager, stated: "I think the City Council policy for economic development encourages us to assist this kind of enterprise, if possible, to handle their difficulty in expansion. If the Council votes in favor of this motion, one thing that we will work on, and one thing that we intended all along is that if there is going to be any parking constructed on City property, that it truly be to benefit the public, and not necessarily in accordance with the plan you see there. And that's the attitude we would look at as we re-examine the proposal before taking it back to anyone." Mayor Pro Tem Cooke agreed. Councilmember Goodman explained that the Holiday Inn wouldn't even have a license, much less ownership, lease or anything else on that land. It would still belong to the City and "any safeguards that we want to build into it about 'X' number of spaces must be permanently allocated to strict city use, and all of them will be available for public use, but we can also specify that a certain number be strictly allocated for public use." Councilmember Mullen thought the

City should investigate compensation to the City by Holiday Inns for use of park land for parking. Councilmember Goodman suggested that perhaps Holiday Inn could build a mini-park on the site in conjunction with the Hike and Bike Trail. People could park on the lot and use the mini-park.

CAMPBELL MCGINNIS appeared before Council to state that he and members of his family own some of the property which abuts the Sand Beach. He said, "It appears that this Council may be required to make a finding that there is not feasible and prudent alternative to the use or taking of such land. I submit to this Council that there are feasible alternatives. There are two of those. The first has nothing to do with my property. It has to do with property that is already owned by the City. East Avenue was originally dedicated street 200 feet wide. It is presently being used as a 60-foot street on the west side and the right hand side is probably....20 feet in width. That area runs for approximately two blocks and it could very easily serve as parking. It would not destroy any of the park values that we are talking about. It has very easy access to the park area."

At this point Mayor Pro Tem Cooke and Councilmember Goodman stated that the City is trying to serve mutual purposes with parking, and not just parking for park land.

Councilmember Himmelblau asked Mr. McGinnis, "What sort of arrangement did you propose price-wise?" (Referring to Holiday Inn's inquiry about renting his property for parking.) Mr. McGinnis answered, "It's some place in the neighborhood of \$3,000 a month, with an escalator clause."

#### Amendment to Motion

Councilmember Goodman offered an amendment to his motion as follows: "I would like to add to the motion that included in the Manager's study and Park's Board study, that we determine the proposal that they (McGinnis) made to the Holiday Inn, and evaluate it in terms of fairness. Is it consistent with other market prices in the area for parking spaces, and so forth, so that we can make a determination of whether or not the Holiday Inn has been made a reasonable offer, to satisfy Article 54-21 of Vernon's Code; and also to take a look at the frontage road as a possibility."

Mr. McGinnis continued, "The second feasible alternative is the property that my family owns here. We think that there is probably something on the order of 90,000 square feet there. ....can accommodate far more than the needs of the Holiday Inn. It has access both to the highway access road and East Avenue. ...The property we have is separated from Holiday Inn by only about 40 to 50 feet so it is very clearly physically feasible to join those two as one parking lot. ....Both of the proposals which I have denominated as being feasible are substantially less damaging to the parks environment...the esthetics of parks usage." He went on to say that to use the land as Holiday Inn has proposed for parking spaces is really a blight...that it is basically a private purpose and "I seriously question the legality of an attempt by the City to enter into a competitive field of private enterprise. And I think that the statute here which requires there not be any feasible and prudent alternatives is a very great extension of that and I think it puts a very heavy burden on this Council to weigh the alternatives that are available."

Mr. McGinnis went on to say that use of park land for parking by a private industry was not consistent with what the land was intended for when it was dedicated to the City. "You may recall that members of this Council heard a zoning request late in 1977, and the basis for that request was the same type of proposal which is now being presented by Holiday Inn, and we are going to ask this Council for equal treatment. We have the same intentions; we have the same needs for additional parking. Therefore, I am asking this Council to apply the same policy. I am hereby making application and asking the Council to set aside all the park property lying between Flores Street and the park road, as bounded on the east by the Holiday Inn, for the purpose of parking, so that the property can be used in the same manner that Holiday Inn purposes to use it. We would seek an equal amount of parking as that requested by Holiday Inn. I am sure you don't recall the details of the hotel that was proposed at that time, and I believe that we had something like 130 rooms as opposed to the requested 100 rooms of Holiday Inn. If any parking facility on dedicated park lands is allowed to meet the requirements of off-street parking then my family would ask direct access to such parking facility and that the facility also be allowed to meet our off-street parking requirements. We see no reason that the City should differentiate between this outfit from Nashville and one of its local citizens who have virtually the same proposals and the same needs in almost the same location. Since my request here in part concerns the same land proposed by Holiday Inn's parking, I request that consideration of this matter be made at the same time, and that any ordinance deal with both proposals."

Mr. McGinnis told Council he wanted the same consideration that the Holiday Inn had been given concerning 30-day posting of a public hearing. Mr. Davidson told him that he would get together with him and at that time he could submit whatever he wanted to in the way of a proposal and Mr. Davidson would see to it that his request will be honored. The Mayor, Councilmember Mullen and Mayor Pro Tem Cooke all agreed that a 30-day waiting period before this matter is brought up again is not necessary...the proper 30-day posting has already been done in compliance with law.

PAUL HERNANDEZ appeared before Council representing the East Town Lake Citizens and Centro Chicano. He said they are opposed to the proposition by Holiday Inn that park land be used for a parking lot and asked that the neighborhood associations be advised of any public hearings or meetings concerning the matter discussed tonight.

#### Roll Call on Motion (Restated)

Councilmember Goodman moved that the Council continue the public hearing, refer to the City Manager for further study, determine proposal made to Holiday Inn by McGinnis and evaluate it in terms of fairness; and study the frontage road as a possibility. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

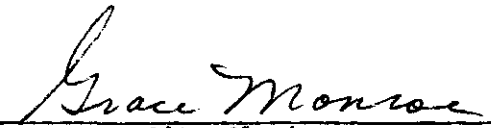
## ADJOURNMENT

Council adjourned its meeting at 9:50 p.m.

APPROVED

  
Mayor

ATTEST:

  
City Clerk